

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF MISSOURI

IN RE: )  
Carla Mae Massie, ) Case No. 17-41165-can13  
)  
)  
Debtor. )

**MOTION TO APPROVE TRIAL HOME MORTGAGE MODIFICATION  
AND SHORTEN NOTICE**

COMES NOW debtor, by and through her attorney, Tracy L. Robinson, and for her Motion states as follows:

1. Debtor filed her Chapter 13 petition/converted her case to Chapter 13 on April 27, 2017.
2. Debtor has a mortgage with Bayview Loan Servicing.
3. Debtor and Bayview Loan Servicing have entered into a trial mortgage modification.
4. Per the terms of the trial mortgage modification, the new mortgage payment is \$1,126.84 for the months of February, March, and April, 2019, including escrow, with an interest rate of 5.25%. Thereafter, these payments will revert to the contract payment absent other agreement with the mortgagee and continue until further order of the court.
5. Debtor requests permission to enter into this trial mortgage modification.
6. The claim in favor of Bayview Loan Servicing shall be paid in the following manner:

Debtor further requests the mortgage payment to be paid through the plan be changed to \$1,126.84 due to the trial loan modification. This mortgage payment is effective with the February, 2019 mortgage payment.

7. Further, the debtor requests trustee shall stop all disbursement on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages, and the initial post-petition amount (IPA) claim.
8. Debtor will provide the trustee with a copy of the final loan modification. If no final loan modification is provided to the trustee within six (6) months of this motion, the debtor understands the plan will be amended, upon motion of the trustee, to pay the mortgage through the plan pursuant to Local Rule 3094-1C.
9. Debtor requests this Honorable Court schedule the matter on the next available docket, or in the alternative, grant Debtor's request without a hearing after the expiration of the notice period.

WHEREFORE, debtor requests this Honorable Court enter an Order allowing debtor to enter into a trial loan modification with Bayview Loan Servicing with the February, 2019 payment as specified in Paragraph 6 above. Further, debtor requests an Order directing the trustee to stop all disbursements on any pre-petition mortgage arrearage claim, any post-petition mortgage arrearages,

the initial post-petition amount (IPA) claim, and the on-going mortgage claim if the debtor now is paying it directly during the trial period.

Respectfully submitted,

/s/ Tracy L. Robinson  
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Attorney for the Debtors

#### **NOTICE OF MOTION**

Any party with an objection is directed to file a Response to the motion within seven (7) days of the date of this notice with the Clerk of the United States Bankruptcy Court. Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. Information about electronic filing can be found on the Court website at [www.mowb.uscourts.gov](http://www.mowb.uscourts.gov). Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, a Notice of Hearing will be provided to all interested parties by the Court. If no response is filed within seven (7) days, the Court will enter an order granting the motion.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing was served, in addition to the parties notified by the US Bankruptcy Court's electronic notification, upon the affected creditors and other parties in interest via U.S. First Class Mail, postage prepaid, this 17th day of January, 2019.

Carla Mae Massie  
936 NE Bristol Drive  
Lees Summit, MO 64086  
Antero Capital, LLC  
PO BOX 1931  
Burlingame, CA 94011-1931  
Shellpoint Mortgage Servicing  
P.O. Box 10826  
Greenville, SC 29603  
Bayview Loan Servicing  
4425 Ponce De Leon  
5th Floor  
Coral Gables, FL 33146  
Bayview Loan Servicing  
PO Box 650091  
Dallas, TX 75265-0091  
New Penn Financial, LLC  
dba Shellpoint Mortgage Servicing  
c/o CSC-Lawyers Incorporating Service  
221 Bolivar Street  
Jefferson City, MO 65101

/s/ Tracy L. Robinson  
Tracy L. Robinson #36691

**Court Address: United States Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106**

Instructions: Complete all required information and serve on all affected creditors. ECF Event: Bankruptcy > Motions/Applications/Requests > Home Mortgage Modification > Trial